

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JUL 20 2005

JOHN F. CORCORAN, CLERK  
BY:   
DEPUTY CLERK

HERBERT PUTZ,

*Plaintiff,*

v.

ANN FERGUSON,

*Defendant.*

CIVIL ACTION NO. 3:05-CV-00032

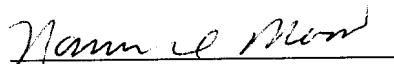
ORDER & OPINION

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff's Motion to Dismiss the Notice of Removal, filed July 12, 2005. Defendant asserts that removal of this action is proper under the Federal Tort Claims Act, 28 U.S.C. § 2679. Plaintiff argues that removal is not proper under the Tort Claims Act because Defendant Ann Ferguson was not acting within the scope of her employment when the alleged acts occurred. However, certification of the Attorney General shall conclusively establish scope of office or employment for purposes of removal. 28 U.S.C. § 2679(d)(2). The Attorney General filed such a certification in this case. Accordingly, the Court DENIES Plaintiff's Motion to Dismiss.

The Clerk of the Court is directed to send a copy of this Order to all parties.

ENTERED:

  
U.S. District Judge

7/20/05